

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LAURIE GILBERT,)
Plaintiff,)
v.) Civil Action No. 05-10746-RWZ
JOHN HEGGARTY and TIMOTHY DUBE,)
Defendants.)

OPPOSITION TO PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME

Now comes the Defendants, John Heggarty and Timothy Dube, and hereby moves this Honorable Court to deny the Plaintiff's Motion for an Enlargement of Time in Which to Commence Trial in this matter. As grounds for this motion, the Defendant states as follows:

1. The alleged incident upon which the Plaintiff bases his claim against the Defendant occurred on March 18, 2002.
2. The Plaintiff's complaint in this matter was filed in federal court on or about March 16, 2005.
3. On or about July 27, 2006, the Court set this matter for a jury trial to begin on September 5, 2006.
4. The Plaintiff has no constitutional right to counsel in civil matter.
5. The Plaintiff and her attorney had adequate time to prepare for trial and submit requested documents in a timely fashion.
6. To allow the Plaintiff to continue trial for an indefinite period of time greatly prejudices the Defendants who have actively been preparing for trial to start on Tuesday, September 5, 2006.

7. The Plaintiff has not engaged in efforts to resolve this matter in good faith. After the parties had reached a fair resolution to settle this litigation following the mutual acceptance of Plaintiff's counterdemand to the Defendants' offer, the Plaintiff then "changed her mind" regarding settlement.

WHEREFORE, the Defendants, John Heggarty and Timothy Dube, hereby move that the Court deny the Plaintiff's motion for an enlargement of time in which to commence trial in this matter or, in the alternative, to set a trial to begin within fourteen (14) days of the date for which the trial was scheduled to begin.

Respectfully Submitted,
For the Defendants,
**JOHN HEGGARTY and TIMOTHY
DUBE,**
By their attorneys,



Matthew E. Dwyer (BBO #139840)
Kathleen A. Pennini (BBO # 654573)
Dwyer, Duddy and Facklam
Attorneys at Law, P.C.
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617-723-9777

Date: September 1, 2006

CERTIFICATE OF SERVICE

I, Kathleen A. Pennini, do hereby certify that a true copy of the foregoing document has been served via electronic filing, facsimile, and first class mail, postage prepaid, this 1st day of September 2006, upon:

Richard N. Foley, Esquire
414 State Street
Portsmouth, NH 03801.


Kathleen A. Pennini